THE HON'BLE SRI JUSTICE E. DHARMA RAO

W.P.No. 17996 of 2005

The petitioners herein seek a declaration that the action of the respondents in trying to demolish the bore wells and pump sets with electricity service connections and to dispossess the petitioners from their lands in Sy.No. 80 to 82 with its sub-divisional numbers of Chandampet village and Mandal, Nalgonda District without following due process of law, as illegal and arbitrary and for a consequential direction to the respondents not to dispossess the petitioners from their lands.

The case of the petitioners is that they are the absolute owners and possessors of the land in question and they are cultivating the same with the source of water from bore wells and pump sets with electricity service connections in their lands. The petitioners submit that originally the lands in question are the ancestral property of the petitioners and by inheritance they are in continuous possession and enjoyment of the same since more than 70 years and cultivating the same with the bore wells water source and pump sets with electricity service connection. The petitioners complain that the 1st respondent on 2-8-2005 informed them that part of the government land is included in the land in question and that the 2nd respondent instructed him to demolish the bore wells and pum psets with service connections and thereby trying to dispossess them from the lands by demolishing the bore wells and pump sets with electricity service connections. The only grievance of the petitioners is that the 1st respondent without following the due process of law is taking steps to dispossess the petitioners from their land and trying to demolish the bore wells with electricity service connections on the ground that part of the land is government land.

Admittedly the petitioners are in possession of the land in question and cultivating the same by raising paddy with the source of

water from bore wells in the land with electricity service connections. The action of the respondents in taking steps to dispossess the petitioners from the land on the ground that part of the land includes the government land is deprecated for the reason that the respondents without there being any procedure prescribed under law followed, are trying to encroach upon the rights and interest of the petitioners. If the respondents found after enquiry that the land possessed by the petitioners includes part of the government land, they can as well proceed against the said land after following the due process of law. But the respondents without doing so are interfering with the land of the petitioners. Therefore, having regard to the facts and circumstances of the case, without going into the merits, I consider it appropriate to direct the respondents not to interfere with the possession of the petitioners from the land in question. However, it is open to the respondents to initiate action against the land of the petitioners, as claimed by the respondents, if it includes the government land, in accordance with law.

The writ petition is accordingly disposed of. No costs.

16th August, 2005

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH: AT HYDERABAD.

The Hon'ble Sri Justice E. Dharma Rao

W.P.No. 17996 of 2005

Dated: 16th August, 2005

Between:

Kasarapu Anjal Rao & Ors. …Petitioenrs

And

The Mandal Revenue Officer,
Chandampet Mandal, Nalgonda Dist. …Resppmdents.